

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

<p>THOMAS BLITZ, a Wisconsin consumer; KEVIN BLAIR, an Illinois consumer; GREGORY CHICK, a California consumer; MARIO WASHINGTON, a New York consumer; TERENCE D. MOORE, a New Jersey consumer; and RICHARD J. DULNIAK, a Florida consumer, on behalf of themselves and all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>MONSANTO COMPANY, a Missouri Corporation; and SCOTTS MIRACLE-GRO COMPANY, an Ohio Corporation,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 3:17-cv-00473</p>
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**DEFENDANT MONSANTO COMPANY'S
MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(2), and 12(b)(6), Defendant Monsanto Company ("Monsanto"), by and through its attorneys, Husch Blackwell LLP and Winston & Strawn, moves to dismiss the Complaint filed by Plaintiffs Thomas Blitz, Kevin Blair, Gregory Chick, Mario Washington, Terence D. Moore, and Richard J. Dulniak. In support of its motion, Monsanto submits its Brief in Support and accompanying Declaration and exhibits, filed contemporaneously herewith.

Respectfully submitted this 28th day of August, 2017.

Attorneys for Monsanto Company

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